

EXHIBIT 22

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STUDENTS FOR FAIR ADMISSIONS, INC.,
Plaintiff,

vs.

Case No.
1:14-cv-14176-ADB

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),
Defendant.

DEPOSITION OF [REDACTED]
Palo Alto, California
Monday, July 24, 2017

Reported By:

TAVIA A. MANNING

CSR No. 13294, RPR, CLR, CCRR

1 a member; is that right?

2 MR. PARK: Objection.

3 THE WITNESS: Well, around that number. I
4 can't say it was exactly four or five.

5 BY MS. SANDALS:

6 Q. So approximately four or five?

7 A. Yeah. Yeah.

8 Q. And you've attended this deposition or you are
9 attending this deposition.

10 Have you had any other involvement in SFFA
11 since becoming a member?

12 MR. PARK: Objection.

13 THE WITNESS: I don't believe so.

14 BY MS. SANDALS:

15 Q. Have you ever participated in a meeting of
16 SFFA's membership?

17 A. No, I haven't, though I have received invites.

18 Q. On how many occasions have you received invites
19 for meetings of SFFA's membership?

20 A. I think two to three.

21 Q. And were those invitations for the same meeting
22 or for two to three separate meetings?

23 A. I believe they were for separate meetings.

24 Q. Do you recall when those meetings took place?

25 A. No.

1 A. No, I have not.

2 Q. Do you know whether Dr. Chen is still a board
3 member of SFFA?

4 A. No, I don't know that.

5 Q. Do you know whether SFFA members had the
6 ability to elect either of these board members, Dr. Zhou
7 or Dr. Chen?

8 MR. PARK: Objection.

9 BY MS. SANDALS:

10 Q. No, I don't know that.

11 Were you involved in any elections of SFFA
12 board members?

13 MR. PARK: Objection.

14 I am going to instruct the witness not to
15 answer that question.

16 MS. SANDALS: On what basis?

17 MR. PARK: The Court's order from last month
18 saying that the indicia of membership test doesn't apply
19 to SFFA. So your continued efforts to seek discovery on
20 those very indicia that are not part of this case are
21 not proper. They're not relevant. They are in
22 violation of the Court's order and they're harassing.

23 MS. SANDALS: Mike, I was just trying to
24 clarify if this was a First Amendment or other privilege
25 ground, and that's all you need to say.

1 THE WITNESS: No, I don't believe so.

2 BY MS. SANDALS:

3 Q. Did you discuss Exhibit 2 with anybody after
4 you received it by e-mail?

5 A. No, I did not.

6 Q. Okay. You can set this document aside.

7 Do you know whether your father has provided
8 input to SFFA?

9 A. No, I don't know.

10 Q. Have you donated money to SFFA?

11 A. I don't believe so.

12 Q. Has your father donated money to SFFA?

13 A. I don't know.

14 Q. [REDACTED], you have completed your first year at
15 [REDACTED]; is that correct?

16 A. Yes, that is correct.

17 Q. Do you intend to apply to transfer from [REDACTED]
18 [REDACTED] to Harvard College?

19 A. I would do it if Harvard were to end
20 affirmative-action-based admissions.

21 Q. And you're using affirmative action in the same
22 way you were using it earlier that we've already
23 discussed?

24 A. Yes.

25 Q. So if I told you that Harvard was not engaging

1 MR. PARK: Objection.

2 THE WITNESS: Potentially if Harvard were to
3 end affirmative-action-based admissions.

4 BY MS. SANDALS:

5 Q. If Harvard continues to use race as one factor
6 of many in its whole-person admissions process, would
7 you apply to transfer to Harvard this coming academic
8 year?

9 MR. PARK: Objection.

10 THE WITNESS: I most likely would not.

11 BY MS. SANDALS:

12 Q. Have you looked into the eligibility
13 requirements for transferring to Harvard College?

14 MR. PARK: Objection.

15 THE WITNESS: No, I have not.

16 BY MS. SANDALS:

17 Q. If I represent to you that you would be
18 ineligible to transfer to Harvard College after this
19 year, would you consider applying to transfer to Harvard
20 this coming year?

21 MR. PARK: Objection.

22 THE WITNESS: If I were ineligible, I would not
23 apply to transfer.

24 BY MS. SANDALS:

25 Q. So if I told you that you would be ineligible

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
6 testifying, were placed under oath; that a verbatim
7 record of the proceedings was made by me using machine
8 shorthand which was thereafter transcribed under my
9 direction; that the foregoing transcript is a true
10 record of the testimony given.

11 Further, that if the foregoing pertains to the
12 original transcript of a deposition in a Federal Case,
13 before completion of the proceedings, review of the
14 transcript [] was [X] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee of
17 any attorney of any of the party to this action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20
21 Dated: August 3, 2017

22
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